

Notice of Allowability

Application No.

09/391,966

Examiner

Sam Bhattacharya

Applicant(s)

DITZIK, RICHARD J.

Art Unit

2687

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Amendment filed on August 29, 2004.
2. ☒ The allowed claim(s) is/are 54, 56-58, 60-62 and 64-70.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>20050902</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Richard J. Ditzik on September 6, 2005.

The application has been amended as follows: claims 1-53 have been canceled, and the pending claims have been amended to read as follows:

54. (Currently Amended) A method for handset unit communication comprising the following steps [of] in any order:

a) transmitting [handset unit] first data via wireless communication [methods] to a [portable] local area communication base unit a relatively short distance away;

b) receiving second data [by handset unit] via wireless communication [methods] from the [portable] local area communication base unit a relatively short distance away;

c) using said [wireless transmitting] handset unit to communicate, selectively, the first and second data [selectively] to and from the [portable] local area communication base unit and to communicate third and fourth data to and from an external wide area network, wherein the communication of the first, second, third and fourth data are not necessarily performed simultaneously, and wherein the transmit power level of the handset unit when transmitting to the local area communication base unit is lower than when transmitting to the external wide area network; and

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d) ~~communicating said transmitting and receiving handset unit~~ wherein the first and second data include data formatted for computer e-mail [use and for bi-directional communication].

55. (Previously Canceled)

56. (Currently Amended) [A] The method for handset unit communication as recited in [Claim] claim 54, [in which] wherein said handset unit is configured to a personal digital assistant (PDA) having PDA functions in addition to [typical] handset unit communication functions.

57. (Currently Amended) [A] The method for handset unit communication as recited in [Claim] claim 54, [in which] wherein said handset unit is a cellular telephone unit.

58. (Currently Amended) [A] The method for handset unit communication recited in [Claim] claim 54, [in which] wherein the handset communicates with multiple handset units or earset units.

59. (Previously Canceled)

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60. (Currently Amended) [A] The method for handset unit communication as recited in [Claim] claim 54, [in which] wherein said handset unit is [used] adapted to access the Internet [via the portable local communication base unit].

61. (Currently Amended) [A] The method for handset unit communication as recited in [Claim] claim 54, [in which] wherein said handset unit is configured to function as a hands free speakerphone[-like operation], wherein a user has an option to speak toward a microphone located on the handset unit, wherein the distance from the user's mouth is substantially larger than a conventional telephone handset.

62. (Currently Amended) A method for handset unit communication comprising the following steps [of] in any order:

a) directly communicating bi-directional wireless [handset unit] voice and computer data [for] including wireless data networking [with a portable base unit and for wirelessly] communicating data selectively to and from [the portable] a local area base unit and an external wide area network;

b) transmitting a first wireless radio frequency (RF) signal comprising said data [from the handset unit] selectively to said [portable] local area base unit and to the external wide area network, wherein the data is not necessarily transmitted simultaneously to the local area base unit and to the external wide area network and wherein the first wireless RF signal transmit power level transmitted to the local area base unit is lower than the power level required to transmit the signal to the external wide area network;

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c) receiving a second [by handset unit] ~~wireless radio frequency (RF)~~ RF signal comprising said data from said [portable] local area base unit; and

d) wherein [communicating] said handset unit data includes data formatted for e-mail ~~from steps (a), (b) and (c) for the intended purpose of having the portable base unit relay said data to and from an external wide area network.~~

63. (Previously Canceled)

64. (Currently Amended) [A] The method for handset unit communication[,] as recited in [Claim] claim 62, [in which] wherein said handset unit is configured to data networking functions communicating with one or more handset units forming a local area network.

65. (Currently Amended) [A] The method for handset unit communication[,] as recited in [Claim] claim 62, [in which] wherein the handset unit is configured to communicate with said external wide area network, wherein the external wide area network is substantially the Internet.

66. (Currently Amended) [A] The method for handset unit communication[,] as recited in [Claim] claim 62, [in which] wherein ~~functions of said handset unit are alternatively performed by an~~ communicates with an earset unit.

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67. (Currently Amended) [A] The method for handset unit communication[,] as recited in [Claim] claim 62, [in which] wherein said handset unit is a wireless cellular telephone unit.

68. (Currently Amended) [A] The method for handset unit communication[,] as recited in [Claim] claim 62, [in which] wherein said handset unit is configured to send and receive e-mail via said external wide area network.

69. (Currently Amended) [A] The method for handset unit communication[,] as recited in [Claim] claim 62, [in which] wherein said handset unit is configured to communicate voice [and/or] and audio information.

70. (Currently Amended) [A] The method for handset unit communication as recited in [Claim] claim 54, [in which] wherein the [transmitting and receiving handset unit] wireless voice and computer data is [for the intended purpose of having the portable base unit relay said data to and from an external wide area network] relayed to the external wide area network by the local area base unit.

END OF EXAMINER'S AMENDMENT

2. The following is an examiner's statement of reasons for allowance: the prior art fails to disclose a combination of steps in a method for handset unit communication, including using

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said handset unit to communicate, selectively, the first and second data to and from the local area communication base unit and to communicate third and fourth data to and from an external wide area network, wherein the communication of the first, second, third and fourth data are not necessarily performed simultaneously, and wherein the transmit power level of the handset unit when transmitting to the local area communication base unit is lower than when transmitting to the external wide area network; and wherein the first and second data include data formatted for computer e-mail, as in claim 54; transmitting a first wireless radio frequency signal comprising said data selectively to said local area base unit and to the external wide area network, wherein the data is not necessarily transmitted simultaneously to the local area base unit and to the external wide area network and wherein the first wireless RF signal transmit power level transmitted to the local area base unit is lower than the power level required to transmit the signal to the external wide area network; receiving a second wireless RF signal comprising said data from said local area base unit; and wherein said handset unit data includes data formatted for e-mail, as in claim 62.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sam Bhattacharya whose telephone number is (571) 272-7917. The examiner can normally be reached on Weekdays, 9-6, with first Fridays off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester G. Kincaid can be reached on (571) 272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

sb


SONNY TRINH
PRIMARY EXAMINER